

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

KREDITVEREIN DER BANK AUSTRIA  
CREDITANSTALT FÜR  
NIEDERÖSTERREICH UND  
BURGENLAND, and BANK AUSTRIA  
CREDITANSTALT AG,

Civil No. 04-72 (JRT/JSM)

Plaintiffs,

**ORDER**

v.

CHRISTA NEJEZCHLEBA,

Defendant.

---

Todd C. Pearson, Michelle Kreidler Dove, and Brian E. Palmer, **DORSEY & WHITNEY LLP**, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402, for plaintiffs.

Marcy S. Wallace and Charles A. Cox, III, **COX, GOUDY, MCNULTY & WALLACE, P.L.L.P.**, 2929 University Avenue SE, Suite 108, Minneapolis, MN 55414, for defendant.

In July 2009, this Court held a four-day bench trial in the above-referenced matter on the issue of damages. (*See* Docket Nos. 168, 171, 172, 173.) After the Court took the matter under advisement, the Austrian trial court in a parallel litigation entered judgment in favor of defendant Christa Nejezchleba, concluding that the plaintiff-banks in that action did not adduce sufficient evidence documenting outstanding amounts on four loans for which Nejezchleba is liable (the “Damages Judgment”). (Ex. B, Docket No. 188.)

The plaintiff-banks have appealed that decision to the Austrian intermediate court of appeals. (*Id.* Ex. D.)

The parties do not contend that the Austrian trial court's Damages Judgment is final, conclusive, and enforceable, *see* Minn. Stat. § 548.35 subd. 2, and Nejezchleba does not ask the Court to recognize that judgment, (*see* Docket No. 189). In the interests of judicial economy and to avoid the possibility of entering a conflicting judgment on the issue of damages, the Court will stay the case pending the Austrian intermediate court of appeals' ruling on the plaintiff-banks' appeal of the Damages Judgment.

Based on the foregoing, all the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that this action is **STAYED** pending a ruling by the Austrian intermediate court of appeals on the plaintiff-banks' appeal of the Austrian trial court's Damages Judgment.

DATED: March 29, 2010  
at Minneapolis, Minnesota.

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge